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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,635	09/23/2003	Keiji Kanota	450100-4804.1	2201

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12/15/2005

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EXAMINER

TRAN, DENISE

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,635

Applicant(s)

KANOTA ET AL.

Examiner

Denise Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29,32-45 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29,32-45 and 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/261,335.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicant's amendment filed 9/30/05. Claims 22-29, 32-45 and 48-53 are presented in the application. Claims 1-21, 30-31 and 46-47 have been cancelled.
2. Applicant's arguments, see the applicant's Amendment, filed 9/30/05, with respect to Uchida et al. reference (US 6084731) have been fully considered and are persuasive. The 103 rejections with respect to claims 20-25, 29-41, and 45-53, in view of Uchida et al. and Yamamoto et al (US 5815333) have been withdrawn.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 22-29, 32-45 and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki et al., U.S. Patent No. 6,160,950, hereinafter Shimazaki, in view of Yamamoto et al., U.S. Patent No. 5,815,333, hereinafter Yamamoto.

As per claims 22, 34, 38 and 50, Shimazaki teaches the use of an information recording/reproducing apparatus/method comprising:

Storing means including a disc-shaped recording medium (e.g., fig. 6, fig. 12, HDD) which are arrangeable so as to have a logically unified first data area for storing information signals therein (e.g. figure 6, element A);

Recording means for enabling continuous recording of a first information signal in the first data area (e.g. col. 3, lines 30-55).

Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 25, 37, 41 Shimazaki teaches the use of an information recording/reproducing apparatus/method comprising:

Storing means including a disc-shaped recording medium (e.g., fig. 6, fig. 12, HDD) which are arrangeable so as to have a logically unified first data area and a logically unified second data area (e.g. figure 6, elements A,B) for storing information signals therein;

Recording means for enabling continuous recording of a first information signal in the first data area and continuous recording of a second information signal in said second area (e.g. figure 6, elements A, B; col. 3, lines 30-55; col. 6, lines 30-35); and

Reproducing means for reproducing the information signals stored in said recording means (e.g., col. 5, line 50 to col. 6, line 25).

Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claim 53, Shimazaki teaches an information recording/reproducing method comprising the steps of:

providing a disc-shaped recording medium (e.g., fig. 6, fig. 12, HDD) which are arrangeable so as to have a logically unified first data area and a logically unified second data area for storing information signals therein (e.g., fig. 6, els. A, B);

enabling continuous recording of a first information signal in said first data area and continuous recording of a second information signal in said second data area (e.g. figure 6, elements A, B; col. 3, lines 30-55; col. 6, lines 30-35); and

reproducing the information signals recorded in the first data area, the second data area and a third data area (e.g., fig. 6, els. A, B, C; col. 3, lines 30-55; col. 6, lines 5-35).

Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 23, 35, 39 and 51, Shimazaki shows the use of a second data area for storing a second information signal (e.g. figure 6, element B). Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 24, 36, 40, and 52, Shimazaki shows the use of the second data area is logically unified within the disc-shaped recording mediums and the second information signal is recorded in the second data area continuously (e.g. figure 6, element B). Shimazaki does not specifically show the use of plural mediums. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 26 and 42, Shimazaki shows the use of a first data area is an AV data area, the first information signal is an AV information signal, a second data area is a memo data and the second information signal is a memo data information signal (e.g. figure 6, elements A and B and col. 6, lines 30-35).

As per claims 27, 28, 43, and 44, Shimazaki shows the use of a third data area for storing a third information signal which is audio data and an audio information signal (e.g. figure 6, element C).

As per claims 29 and 45, Shimazaki teaches said disc-shaped recording medium is hard disc drive (e.g., fig. 12, HDD). Shimazaki does not specifically show the use of plural mediums are hard disc drives. Yamamoto shows the use of recording data across plural mediums (e.g. figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yamamoto with Shimazaki because it would provide for more storage space than is possible for one disc.

As per claims 32 and 48, Shimazaki does not specifically show the use of wherein the recording means records at least a portion of the information signals recorded in the temporally continuously. "Official Notice" is taken that both the concept and advantages of providing for recording means for recording at least a portion of information signals recorded in a first data area among the plural data areas in the data areas other than the first data area is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include recording means for recording at least a portion of information signals recorded in a first data area among the plural data areas in the data areas other than the first data area to Shimazaki because it would provide for duplication of data, thereby allowing the data stored on the disc to

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recovered in case the first area can not be read or written to and it would provide for continuous recording or playback without the loss of data.

As per claims 33 and 49, it is an inherent limitation of Shimazaki that the disk is logically unified in response to an actuating input from a user because an actuating input would be the user's command to start to record the data.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (703) 305-9823. The examiner can normally be reached on Monday, Thursday, and an alternate Wed. from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



D.T.
December 11, 2005